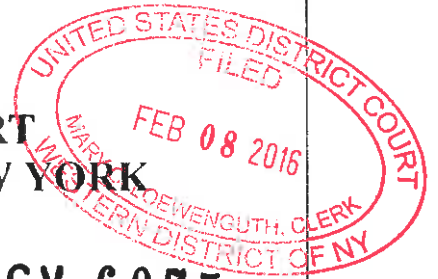


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**



16 CV 6075

Jonathan Paul Catlin
Plaintiff

vs.

Rushmore Service Center, LLC
Defendant

CASE NO. _____
JUDGE: DGL

COMPLAINT FOR VIOLATIONS OF 47
U.S.C. §227;
STATUTORY DAMAGES
and PUNITIVE DAMAGES

DEMAND FOR TRIAL BY JURY

INTRODUCTION & OPENING STATEMENT

This is an action brought by Plaintiff against Rushmore Service Center, LLC for violations of the Telephone Consumer Protection Act, 47 USC § 227 (herein after "47 USC § 227").

I. JURISDICTION and VENUE

1. This action arises under 47 U.S.C. §227. The jurisdiction of this court is founded on federal question jurisdiction, 28 U.S.C. §1331.
2. Venue is proper because the events giving rise to Plaintiff's causes of action occurred within this district, as provided in 28 U.S.C. § 1391(b)(2).

II. PARTIES

3. Plaintiff, Jonathan Paul Catlin, herein after "Plaintiff", at all times relevant herein, was domiciled in the town of Naples, New York.
4. Plaintiff is informed and believes that Defendant, Rushmore Service Center, LLC, herein after "Defendant", is a South Dakota corporation authorized to do business in New York state. Defendant's principle business address is Rushmore Service Center, LLC, 3820 N. Louise Ave, Sioux Falls, South Dakota 57107-0145.

PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

5. The plaintiff has **not** begun any other lawsuits in state or federal court dealing with the same facts involved in this action.

CONDITIONS PRECEDENT

6. All conditions precedent have been performed or have occurred.

COUNT 1

(47 U.S.C. §227; Placing calls to a personal cell phone using an automated dialer)

7. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 7 above and incorporates the same as if set forth in full.

8. From July 2014 through August, 2014, Defendant called Plaintiff's cell phone no less than 30 times.

9. Upon information and belief, Defendant used an automatic telephone dialing system to place these calls.

10. Plaintiff has no contract or business relationship with Defendant, and has never given Defendant express permission to call Plaintiff's cell phone.

11. The federal basis for this claim is 47 U.S.C. §227(b)(1)(A) and 47 U.S.C. §227(b)(3).

WHEREFORE, Plaintiff prays for statutory damages (\$1,500.00 per call) and punitive damages against Defendant.

SUMMARY OF RELIEF SOUGHT

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- a) For statutory damages in the amount of \$45,000.00.
- b) For punitive damages in the amount allowed by law.
- c) Reasonable legal costs & fees, along with costs of suit.
- d) Reasonable costs of time to pursue suit; and,
- e) Such other relief as this Court may find to be just and proper.

DEMAND FOR TRIAL BY JURY

1 I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND
2 CORRECT TO THE BEST OF MY KNOWLEDGE.

3
4 EXECUTED this 1st day of February, 2016.

5
6
7 
8 Original Signature

9
10 Jonathan Paul Catlin
11 c/o PO Box 313
12 Naples, Idaho
13 cell: 208-627-3950
14 e-mail: myfriendstenthousand@gmail.com
15

16 *In Proper Person*
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Exhibit A

Date	Time
7/12/2014	12:05 PM
7/15/2014	8:50 PM
7/16/2014	12:36 PM
7/17/2014	6:55 PM
7/21/2014	8:38 AM
7/22/2014	3:25 PM
7/23/2014	9:02 AM
7/24/2014	8:57 AM
7/24/2014	6:55 PM
7/28/2014	2:23 PM
7/29/2014	9:08 AM
7/29/2014	6:29 PM
7/30/2014	8:51 AM
7/30/2014	4:46 PM
8/1/2014	9:38 AM
8/5/2014	11:36 AM
8/6/2014	8:53 AM
8/6/2014	7:52 PM
8/7/2014	9:55 AM
8/7/2014	6:42 PM
8/8/2014	9:55 AM
8/11/2014	6:54 PM
8/12/2014	8:56 AM
8/12/2014	6:29 PM
8/13/2014	8:43 AM
8/13/2014	3:41 PM
8/14/2014	8:43 AM
8/14/2014	2:06 PM
8/15/2014	12:30 PM
8/16/2014	9:29 AM

Phone			8:27	ok
7/21/14	(605) 333-6299	Duration: 00:00	8:38 a	
7/17/14	(605) 333-6299	Duration: 00:00	6:55 p	
7/16/14	(605) 333-6299	Duration: 00:00	12:36 p	
7/15/14	(605) 333-6299	Duration: 00:00	8:50 p	
7/12/14	(605) 333-6299	Duration: 00:00	12:05 p	

Phone			8:29	ok
7/29/14	(605) 333-6299	Duration: 00:00	9:08 a	
7/28/14	(605) 333-6299	Duration: 00:00	2:23 p	
7/24/14	(605) 333-6299	Duration: 00:00	6:55 p	
7/24/14	(605) 333-6299	Duration: 00:00	8:57 a	
7/23/14	(605) 333-6299	Duration: 00:00	9:02 a	
7/22/14	(605) 333-6299	Duration: 00:00	3:25 p	

Phone		
8/6/14	8:53 a	
(605) 333-6299		
Duration: 00:00		
8/5/14	11:36 a	
(605) 333-6299		
Duration: 00:00		
8/1/14	9:38 a	
(605) 333-6299		
Duration: 00:00		
7/30/14	4:46 p	
(605) 333-6299		
Duration: 00:00		
7/30/14	8:51 a	
(605) 333-6299		
Duration: 00:00		
7/29/14	6:29 p	
(605) 333-6299		
Duration: 00:00		
Menu		

Phone		
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(605) 333-6299		
Duration: 00:00		
8/11/14	6:34 a	
(605) 333-6299		
Duration: 00:00		
8/8/14	9:55 a	
(605) 333-6299		
Duration: 00:00		
8/7/14	6:42 p	
(605) 333-6299		
Duration: 00:00		
8/7/14	8:34 a	
(605) 333-6299		
Duration: 00:00		
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(605) 333-6299		
Duration: 00:00		
Menu		

Phone		
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(605) 333-6299		
Duration: 00:00		
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Duration: 00:00		
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Duration: 00:00		
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Duration: 00:00		
8/13/14	8:43 a	
(605) 333-6299		
Duration: 00:00		
8/12/14	6:29 p	
(605) 333-6299		
Duration: 00:00		
Menu		

Phone		
8/16/14	8:32 p	
(605) 333-6299		
Duration: 00:00		
8/16/14	9:29 a	
(605) 333-6299		
Duration: 00:00		
8/15/14	12:30 p	
(605) 333-6299		
Duration: 00:00		

Jonathan Catlin
PO Box 313
Naples FL 33947

FIRST CLASS

Clerk, U.S. District Court
220 US Courthouse
100 State Street
Rochester, NY 14614-1387

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